

**REMARKS**

**Status of the claims:**

With the above amendments, claims 74-77 have been amended, claims 78-85 are added, claims 1-73 were previously canceled, and claims 74-85 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. The amendment to claims 74-77 are simply for grammatical errors and are non-narrowing in scope. Support for new claims 78-81 can be found at page 3, lines 14-15 and support for new claims 82-85 can be found at page 11, lines 4-5. Reconsideration is respectfully requested in light of the following remarks.

**Interview Summary**

In a conversation held with the Examiner on April 4, 2005, it was noted that claim 77 was not rejected by any of the cited references yet claim 77 was indicated as having been rejected on the Office Action Summary form. In a subsequent conversation with the Examiner held on April 5, 2005, the Examiner indicated that claim 77 should be included in the rejection under 35 USC § 102(b) as being anticipated by Kondo '894 (US Patent No. 4,984,894). Thus, in this response, the rejection of claim 77 under 35 USC § 102(b) as being anticipated by Kondo '894 is addressed.

**Rejections under 35 U.S.C. § 102**

Claims 74 and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Brayden '191 (US Patent No. 6,052,191).

Claims 74-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo '894 (US Patent No. 4,984,894).

Claims 74 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai '758 (US Patent No. 4,014,758).

Applicants traverse.

The Examiner is reminded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

None of the above cited references disclose each and every element of the current claims. In particular, none of the recited references disclose the element "said coating having a thickness quality of about 1.3 times better than a coating thickness quality of an anodized substrate made without a coating thickness monitor communicating with a controller" as claimed in claim 74. Moreover, the cited references fail to disclose the feature "said coating having a thickness quality of at least about 1.3 times better and a thickness consistency of about 1.6 times better thereby having a thickness quality x consistency product at least about 2 times better than a coating thickness quality x consistency product of an anodized substrate made without a coating thickness monitor communicating with a controller" as claimed in claim 76. Finally, none of the references disclose the element "said anodized coating having a thickness quality of at least about 1.3 times better and a thickness consistency of about 1.6 times better thereby having a thickness quality x consistency product at least about 2 times better than a coating

thickness quality x consistency product of an anodized substrate made without a coating thickness monitor communicating with a controller” as recited in claim 77.

More particularly, none of the recited references disclose a thickness monitor communicating with a controller. Thus, none of the references can disclose a thickness quality or a thickness consistency that is achieved by the instant invention (or as claimed, “has a thickness quality of at least about 1.3 times better and a thickness consistency of about 1.6 times better than anodized surfaces that are generated on substrates when there is no communication between the thickness monitor and a controller”). For this reason alone, the rejections are inapposite. Withdrawal of the rejections are warranted and respectfully requested.

Brayden ‘191 discloses a coating thickness measurement system for measuring the thickness of a coating, which comprises a light source, a detector system, and a processor. However, Brayden ‘191 fails to disclose a coating thickness monitor that is in communication with a controller. Thus, the substrate of Brayden ‘191 has neither the thickness quality nor the thickness consistency of the anodized surface of the instant invention.

Kondo ‘894 discloses a method and an apparatus for measuring the thickness of a first thin film which is the uppermost layer of a sample formed by two or more stacked thin films. Light is transmitted through the first thin film but absorbed by a second thin film positioned directly under the first thin film. The spectrum of the light reflected is detected to obtain the thickness of the first thin film. However, Kondo ‘894 fails to disclose a coating thickness monitor that is in communication with a controller. Thus, the

substrate of Kondo '894 is poorer in thickness quality and thickness consistency of the anodized surface relative to that of the instant invention.

Kawai '758 discloses a process for electrolytically treating aluminum or its alloys in the form of a strip, wire, or foil material in a continuous manner which comprises continuously passing the material through an anodic oxidation treatment cell through which a direct current, alternating current, or AC superimposed direct current is caused to flow and an electrolytic coloring cell through which an alternating current of AC-superimposed direct current is caused to flow and carrying out electrolysis in both cells to anodize and color the material in a continuous manner. However, Kawai '758 fails to disclose a coating thickness monitor that is in communication with a controller. Thus, the substrate of Kawai '758 lacks the thickness quality and the thickness consistency of the anodized surface of the instant invention.

Accordingly, all of Brayden '191, Kondo '894, and Kawai '758 fail to disclose or suggest the elements of the instantly claimed invention. Withdrawal of the rejections is warranted and respectfully requested.

### **CONCLUSION**

With the above amendments and remarks, Applicants believe that all objections and/or rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. A passage of the instant invention to allowance is earnestly solicited.

Applicants respectfully petition for a two month extension and an extension fee is attached hereto. Applicants believe that no additional fee is necessary, however, should a

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fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1435.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 607-7486 to discuss any issues.

Respectfully submitted,

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